DOCUMENT RESUME

ED 119 270 CS 501 258

AUTHOR McGlone, Edward L.
TITLE The Tenure Controversy: What Position for the ACA?
PUB DATE Dec 75
NOTE 6p.; Paper presented at the Annual Meeting of the Association for Communication Administrators (Houston, Texas, December 27-30, 1975)

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage
DESCRIPTORS *Academic Freedom; Administrative Policy; Communication (Thought Transfer); *Educational Policy; Higher Education; *Job Tenure; Teacher Dismissal; Teacher Promotion; *Tenure
IDENTIFIERS ACA; *Association for Communication Administrators; Speech Communication

ABSTRACT

The primary purposes of this paper are to describe the basic tenure system in higher education, to identify the sources of dissatisfaction with this system, and to make some recommendations about an Association for Communication Administrators (ACA) position on the subject of tenure policy and procedures. Four basic elements of the tenure system are outlined and discussed. The criticism of the tenure system is widespread and comes down to two basic arguments. First, the system interferes with the ability of an organization to adjust to the economic and social constraints which govern its operation. Second, the system can serve to only maintain the status quo. It is argued that the only serious alternative to the basic system is a scheme which includes periodic review and term contracts. Seven recommendations for an ACA position on tenure are outlined and include: the current financial problems of higher education should be dealt with in such a way so as to not restrict the tenure system of protecting academic freedom; and in the case of an unfavorable tenure decision, the candidate should be provided with a full statement of the justification of this decision. (TS)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED119270

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

THE TENURE CONTROVERSY: WHAT POSITION FOR THE ACA?

Edward L. McGlone

According to the 1940 Statement of Principles on Academic Freedom and Tenure, jointly formulated by the AAUP and the Association of American Colleges, tenure ". . . is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability." (Joughin, p. 34). The conferring of academic tenure means that a person has received a more or less permanent appointment and can be terminated ... only for adequate cause, ... retirement for age, or under extraordinary circumstances because of financial exigencies." (p. 37).

Tenure was granted almost routinely until a few years ago; to deny tenure was to allege incompetence and such actions were taken only when the evidence of incompetence was overwhelming. Those few cases where tenure was denied for expressing unpopular political or other controversial positions became celebrated cases more often leading to the demise of the administrative officials involved than to the dismissal of the faculty member. In short, the burden of proof in a tenure decision rested on those who wished to deny its conferral.

The current economic crisis has brought about a general period of retrenchment in higher education, and personnel practices if not policies have changed considerably. I find that personnel committees are more reluctant to recommend tenure than once was the case and that administrators are demanding that a more rigorous evaluation process be employed. I know of several cases in which tenure was denied to persons whose qualifications would have led to the opposite decision only a few years ago, and the caseloads of groups which investigate alleged abridgement of due process and academic freedom in personnel decisions are increasing steadily.

What I propose to do in this paper is to describe the basic tenure system in higher education, to identify the sources of dissatisfaction with this system, and to make some recommendations about an ACA position on the subject of tenure policy and procedures.

The "tenure system" varies from institution to institution, but my experience suggests that there is a great deal more in common from school to school than the written policies themselves might suggest. Following are the basic elements of the "tenure system."

1) A person is hired initially for a probationary period. The legal obligation of the employing institution to that person ceases at the end of this period unless the person is granted tenure. The length of the probationary period may vary with the rank, but the AAUP requires that the period not exceed seven years. Usually some provision is made for including years of service at other institutions as part of the probationary period.

2) Sometime before the end of the probationary period, an evaluation of the person's suitability for tenure is accomplished. In most every case, a recommendation is initiated by either the chairperson or the personnel committee of the department in which the candidate is employed.

3) This recommendation is forwarded to a higher level or levels of administration, and eventually the central administration either accepts or rejects the recommendation as the agent of the university's governing body. A favorable recommendation confers an essentially permanent status of employment to the person, and an unfavorable recommendation indicates that he will be terminated at the end of the aforementioned probationary period.

4) Usually there is some procedure for appealing an unfavorable tenure decision.

CS 501258

There are variations from school to school in the application of this very basic system. At Southern Illinois University, for example, the language of the tenure procedure suggests that tenure is received automatically at the end of the probationary period, but I assure you that an evaluation process does occur. At some schools there are no provisions for formal input from an applicant's colleagues. At some schools input is sought only from the tenured faculty of a department. The use of student evaluations likewise varies. I suspect that the actual process of a tenure decision is not described accurately in writing at some institutions, and this may well be a deficiency which action by the ACA can help to alleviate.

Those who are dissatisfied with the tenure system include both faculty and administrators, students and taxpayers, those who have been denied tenure and those who have employed the system to "solve" staffing problems. Walter Adams, former president of the AAUP, identified the complaints of four constituencies in higher education:

1) "Citing financial stringency as their justification, some administrators have found it convenient to condemn tenure as a built-in and systematic commitment to increasing costs. Tenure, they say, deprives them of the flexibility needed to make drastic economic adjustments-- i.e., the flexibility to replace high-cost with low-cost labor. In a period of stable or declining enrollments, they claim, tenure inevitably leads to excessive percentages of faculty on permanent status, i.e., 'tenuring in.'"

2) "Students sometimes join in the condemnation of tenure. Tenure, they say, provides the conditions under which bad teaching and mediocre scholarship may be perpetuated. Tenure gives the mediocre the contractual right to continue to be mediocre."

3) "Some younger, nontenured faculty members also express concern about tenure which they regard as a guild practice to restrain entry, stifle the competition of newcomers, and preserve deadwood. In a period of shrinking opportunities, they see themselves condemned to running a squirrel cage in which there is no room at the top and in which the squirrels are replaced every time they get high enough up on the wheel to make the tenure jump."

4) "Finally, there are those who maintain that tenure is incompatible with affirmative action goals to provide increasing opportunities to women and minorities in higher education. If the academy is to be saddled with tenure and/or tenure quotas, a shrinking market for academic talent is bound to affect the traditional victims of personal as well as institutional discrimination with disproportionate severity. Only if tenure is abolished, they say, can these newcomers achieve the access to our university system of which they have been deprived in the past." (Adams, p. 122).

Ignoring the self-interest evident from the groups who advance these complaints, the criticism of the tenure system comes down to two basic arguments. First, the system interferes with the ability of an organization to adjust to the economic and social constraints which govern its operation. Second, the system prevents a transfusion of new blood while preserving the decadent flesh of those who received tenure during happier times. It is very difficult for me to refute these arguments fully; there is no question in my own mind that we abused the tenure system during the late fifties and early sixties. On the other hand, our capital development budgets were also misused and I know that we made some mistakes in advising and curriculum development. In short, those who complain about the tenure system are not complaining about how it can and should operate; their objections pertain to problems created during a time when we did not manage resources or personnel very wisely in higher education.

The only serious alternative to the basic system is a scheme which includes periodic review and term contracts. The Commission on Academic Tenure in Higher Education has examined this alternative as well as the tenure system and pointed out that term contracts would be disastrous to faculty morale while increasing administrative control of classroom and laboratory activities to the point of eliminating academic freedom. It is not unreasonable for a college professor to seek economic security as a result of seniority and experience, and the McCarthy and Nixon eras should furnish substantial evidence that some sort of system for protecting academic freedom is essential. This Commission of administrators and faculty, co-sponsored by both the AAUP and the Association of American Colleges characterized the tenure system as "our most tested and reliable instrument for incorporating academic freedom into the heart of our institutions." (p. 22).

One supposed major modification of the tenure system has been proposed which might enable us to avoid making the same mistakes which were made during the glory years. This would involve establishing tenure quotas. The aforementioned Commission has suggested that an institution might place limits on the number of positions eligible for tenure. The suggestion made in their report is that no more than one-half to two-thirds of the positions in an institution have this eligibility.

I personally would have no strong objections to the quota system as proposed by this commission The quotas would be announced publicly, they would be applied to the faculty of an institution as a whole, and appropriate transition policies would be adopted. However, I doubt seriously whether many institutions would be affected much by limiting the number of tenure positions according to these guidelines.

What the Commission does *not* recommend is the application of *informal* tenure quotas on a department by department basis; yet I fear that this procedure has been employed already in many institutions without any acknowledgement of its existence. The cozy quota system is manifestly unfair. Faculty who have applied for tenure in a department with a high proportion of tenured staff must meet far more stringent requirements than those in another department with relatively few tenured faculty. Because of the inconsistency in awarding tenure from department to department and because the policy is unannounced, administrators are discouraged from disseminating comparative data about tenure decisions and they may resist informing the unsuccessful candidates about the reasons for the denial of tenure. In a recent AAUP *Bulletin*, W.J. Kilgore attacked all quota systems which make tenure decisions "depend essentially not on professional abilities but rather on such fortuitous circumstances at the senior levels as death, retirement, or appointment to an administrative position." (p. 341). My complaint about the informal quota system is that these "fortuitous circumstances" are such absurd criteria that administrators who employ them may be encouraged to equivocate, obfuscate, or fabricate in their discussions with faculty and in reporting to candidates for tenure.

This brings us to another subject of considerable controversy, *viz.*, the criteria which ought to be employed in the awarding of tenure. We have all heard that there are institutions where faculty have to publish or perish, but I am increasingly led to the conclusion that there are not very many of these institutions. I think that we hear so much about the pressure to publish because the failure to publish is frequently used as an excuse for denying tenure or promotion to someone whose record is generally poor in all respects. One's publication record is a fairly clear, impersonal source of data which can be used to justify an unfavorable recommendation without requiring any discussion of ability, dedication, professionalism, or other personal qualifications. The problem which I see in all this is that we have sufficiently vague guidelines for awarding tenure that we have to make up a clearer explanation to *justify* an unfavorable tenure decision than we employed in *making* the decision itself. I would oppose any ACA statement detailing the criteria which ought to be employed in the tenure decision; these criteria should be determined locally with input about the institution's needs, traditions, and long-term plans. The abuse of the tenure system during the good times resulted largely from the failure to develop clear standards and to apply them rigorously. Now that we are in a period of retrenchment, it is

essential that we take steps to clarify standards and to develop a procedure which requires their application consistently.

It is probably evident by now that I believe that the basic tenure system is sound and should be maintained. I think that both the complaints about the system as well as the proposals for its abolition or major modification are supported mainly with evidence of misapplication and abuse of the system during times of expansion and retrenchment. We went through a period of excessive liberality in awarding tenure; now we may be excessively conservative about these decisions. Too frequently the critical factor in the tenure decision has been the state of the economy, not the qualifications of the applicant.

My recommendations for an ACA position on tenure have the objective of making the system work as it was intended; I do not propose any major modification. What we need to do is to clarify and actually use the system carefully. Following are these recommendations:

1) The current financial problems of higher education should be dealt with in programs and policies which do not restrict the tenure system of protecting academic freedom. That is, salary freezes, position downgrading, elimination of vacant positions are all more desirable than any major modification of the tenure system. Further, long-range plans for early retirement and for elimination of unnecessary nonteaching positions are even more desirable than these temporary measures. (Adams, p. 123).

2) The awarding of tenure should be based on an explicit decision-making process which includes full disclosure of the information used for the decision to all parties concerned. The process itself should be described completely in public documents. The application of the process in a particular case should provide for full and accurate reporting of its details to the candidate for tenure.

3) Probationary and other non-tenured faculty should be assisted in determining their qualifications for tenure by periodic reviews which include both assessment of previous performance and advice for improving performance on tenure criteria.

4) The responsibility for initiating the tenure recommendation in a particular case as well as conducting periodic reviews should rest with the unit in which the candidate works. Recommendations and reviews should be made by both peers and chairpersons, and a recommendation agreed to by both peers and chairpersons should have presumptive influence on the eventual tenure decision.

5) The responsibility for developing criteria for making tenure decisions should rest with both faculty, academic administration, and central administration. These same constituencies have the obligation to develop procedures for using these criteria clearly and fairly. If teaching effectiveness is considered an appropriate criterion in the tenure decision, then a clear and rigorous procedure for evaluating such effectiveness should be developed and published. Similar procedures should be developed for each relevant criterion.

6) In the case of an unfavorable tenure decision, the candidate should be provided with a full statement of the justification for this decision. Usually this can be accomplished in private conversation, but he should be able to obtain this statement in writing at his request. In the case of an appeal or grievance, he should be able to submit his case to a group of faculty and administrative staff who were not involved in the original recommendation and whose eventual recommendations are disclosed fully to him as well as to the appropriate decision-maker(s)

7) The termination of non-tenured faculty or faculty who are denied tenure should follow the procedures described in the 1972 Institutional Regulations on Academic Freedom and Tenure as recommended by Committee A of the AAUP. (pp. 428-433).

Finally, if the economic problems of the 70's have required us to look carefully at the institution of tenure, it is useful to remember that we did not lead higher education to the brink of financial insolvency solely by being overgenerous with tenure. The lack of planning and fiscal mismanagement in higher education during the 50's and 60's was widespread. The proposals to abolish tenure or to make major modifications in the system would concentrate more power in the higher echelons of an administrative system which is ultimately responsible for our financial woes. There are some basic reforms to be accomplished in higher education, but preservation of the tenure system is essential to insuring that faculty have input in making these reforms. The operation of the tenure system is the single greatest safeguard of that oft-cited "mutual and fearless sifting and winnowing" which allows higher education to find the ideas and leadership which will sustain us through this and subsequent crises.

References and Recommended Reading

Walter Adams, "The State of Higher Education: Myths and Realities," *AAUP Bulletin*, 60 (June 1974), 119-125.

Kingman Brewster, Jr., "On Tenure," *AAUP Bulletin*, 58 (December 1972), 381-383.

Commission on Academic Tenure in Higher Education, *Faculty Tenure*, San Francisco: Jossey Bass, 1973.

Louis Joughin, ed., *Academic Freedom and Tenure: A Handbook of the AAUP*, Madison: University of Wisconsin Press, 1967.

W.J. Kilgore, "Reviewing Tenure," *AAUP Bulletin*, 59 (September 1973), 339-345.

"1972 Recommended Institutional Regulations on Academic Freedom and Tenure," *AAUP Bulletin*, 58 (December 1972), 428-433.

"On the Imposition of Tenure Quotas," *AAUP Bulletin*, 59 (Winter 1973), 428-430.

B.N. Shaw, *Academic Tenure*, Chicago: Adams Press, 1971.

B.L. Smith, ed., *The Tenure Debate*, San Francisco: Jossey Bass, 1973.

Harvey T. Stephens, ed., *Conversations: The Tenure System in Higher Education*, Philadelphia: ARA Services, 1972.

This article was prepared for the ACA Convention, Houston, December 27-30, 1975.